

**CRM-M-54444-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(105)****CRM-M-54444-2024****Date of decision: - 11.11.2024****Sunil @ Fauji****....Petitioner****Versus****State of Haryana****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Jai Bhagwan Sharma, Advocate,
for the petitioner.

Mr. Jagdish Manchanda, Addl. A.G., Haryana.

**********VIKAS BAHL, J. (ORAL)**

1. This is the third petition filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in FIR No.324 dated 25.08.2018, under Sections 148, 149, 323, 427, 452 and 307 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Dadri City, District Charkhi Dadri.

2. Learned counsel for the petitioner has submitted that in the present case, no specific injury has been attributed to the petitioner in the FIR and it had been stated that 35-40 persons had come to the house of the complainant. It is further submitted that the petitioner had initially applied for an anticipatory bail and the same was granted by a Co-ordinate Bench of this Court and thereafter, since he did not appear on

**CRM-M-54444-2024****-2-**

one date, i.e., 05.04.2022 before the trial Court on account of an accident of his friend, his bail was cancelled vide order dated 05.04.2022 and the petitioner thereafter had surrendered. It is stated that after surrendering, the petitioner applied for regular bail and this Court vide order dated 23.05.2022 had allowed the said bail application subject to the petitioner depositing an amount of Rs.10,000/- with the trial Court within a period of one month from the said date and the said amount was ordered to be disbursed to the injured/complainant-Rakesh. It is further submitted that inadvertently, the petitioner could not bring to the notice to this Court that the said Rakesh had died prior to the date of passing of the said order and thus, the said order could not be complied with, although, the petitioner was released on bail subsequent to the passing of the order dated 23.05.2022. It is submitted that on account of the said lapse on the part of the petitioner in depositing Rs.10,000/-, the petitioner was declared proclaimed offender and thereafter, he again surrendered on 23.06.2024.

3. It is further submitted that the petitioner filed a regular bail application, which was withdrawn at that stage on 26.09.2024 and thereafter, he had moved an application before the trial Court for depositing the amount of Rs.10,000/- however the said application was also dismissed vide order dated 07.10.2024. It is also submitted that the complainant has died and the brother of the complainant-Chanderpal has given an affidavit that with the intervention of respectables, there is peace and harmony in between the parties and has prayed that the FIR No.324 25.08.2018 be quashed. It is stated that the petitioner is ready to pay the

**CRM-M-54444-2024****-3-**

said amount of Rs.10,000/- and has submitted that on account of the mistake of the petitioner, he has suffered custody of more than 5 months and 10 days, as per custody certificate dated 05.11.2024. It is further stated that out of 25 prosecution witnesses, only one witness has been examined, thus, the trial is likely to take a long time.

4. Learned State counsel has submitted that the earlier condition of depositing Rs.10,000/- should be met by the petitioner and has further submitted that the petitioner should give an undertaking that he would appear before the trial Court on each and every date, except when his appearance is specifically exempted by the Court.

5. Keeping in view the above-said facts and circumstances and also the fact that the petitioner has suffered incarceration for a period of more than 5 months and 10 days, as per the custody certificate dated 05.11.2024 and also the fact that there are 25 prosecution witnesses, out of which, only one witness has been examined, thus, the trial Court is likely to take a long time and also the fact that there was no specific allegation against the petitioner in the FIR, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate, subject to the petitioner depositing an amount of Rs.10,000/- with the 'High Court Lawyers' Welfare Fund' within a period of three weeks from today and further subject to him giving an undertaking before the trial Court within a period of two weeks from today that he would appear before the trial Court on each and every date, unless his

appearance is personally exempted by the Court and also subject to him not being required in any other case .

6. It is made clear that in case, any act is done by the petitioner to threaten or influence the brother of the complainant or any of the witnesses, then, it would be open to the State to move an application for cancellation of bail granted to the petitioner.

7. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case, which are only for the purpose of adjudicating the present bail petition.

November 11, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No